

4. Defendants admit ¶¶ 9 and 10 of the complaint.
5. Defendants admit ¶ 11 of the complaint.
6. Defendants admit that the Division engaged in a Summer Safety Initiative, but deny all other allegations in ¶¶ 12, 13, 14, 15, 16, 17, 18, 19 and 20 of the complaint.
7. Defendants deny ¶¶ 21 and 22 for lack of knowledge sufficient to form a belief.
8. Defendants deny ¶¶ 23, 24, 25, 26, 27, 28, 29 and 30 of the complaint.
9. Defendants deny ¶ 31 for lack of knowledge sufficient to form a belief.
10. Defendants deny ¶¶ 32, 33 and 34 of the complaint.
11. Defendants admit that Officer Hannah was acting under the code of law.
12. Defendants deny ¶¶ 36, 37, 38, 39, 40, 41 and 42 of the complaint.
13. Defendants deny all other assertions in the complaint not previously admitted as true.

FIRST AFFIRMATIVE DEFENSE

14. Plaintiffs fail to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

15. Defendants are entitled to the immunities, defenses and setoffs provided for in R. C. Chapter 2744.

THIRD AFFIRMATIVE DEFENSE

16. Defendant Hannah, at all times, acted in good faith and was not in violation of any clearly established law or regulation and is entitled to qualified immunity.

WHEREFORE, having fully answered plaintiff's complaint, defendants respectfully request dismissal of same at plaintiffs' cost.

Respectfully submitted,

**CITY OF COLUMBUS, DEPARTMENT OF LAW
RICHARD C. PFEIFFER, JR., CITY ATTORNEY**

/s/ Timothy J. Mangan

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City of Columbus

CERTIFICATE OF SERVICE

This will certify that a copy of the foregoing was sent via First Class U.S. Mail, postage prepaid, to W. Jeffrey Moore, MOORE YAKLEVICH & MAUGER, 326 South High Street, Suite 300, Columbus, Ohio 43215 this 28th day of July 2010.

/s/ Timothy J. Mangan

Timothy J. Mangan
Assistant City Attorney

TJM/ik